

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

STAYMOBILE VENTURE, LLC,

Debtor(s)

TIMOTHY MILLER, Trustee,

Plaintiff,

v.

UPPER EDGE TECHNOLOGIES, INC.,

Defendant

Chapter 7

Case No. 22-43781-LSG

Hon. Lisa S. Gretchko

Adv. Pro. No. 23-04151-lsg

Hon. Lisa S. Gretchko

REPORT OF PARTIES' RULE 26(f) CONFERENCE

Pursuant to Fed. R. Bankr. P. 7026 and Fed. R. Civ. P. 26(f), a conference was held on June 2, 2023 via telephone and was participated in by:

David P. Miller for Plaintiff

Jose Hernandez for Defendant

This is submitted as the required report of that conference.

(1) Initial Disclosures required by Fed. R. Civ. P. 26(a)(1).

[x] The parties will provide such by July 12, 2023; or

[] The parties agree to provide the following at the times indicated:

(2) Discovery Plan. The parties jointly propose to the Court the following discovery plan in conformance with Fed. R. Civ. P. 26(f)(3): (Use separate paragraphs or subparagraphs as necessary if parties disagree.)

- (a) Discovery will be needed on the following subjects: Paragraphs 9-14, 18-25, and 29 of Plaintiff's Complaint, and more generally, Plaintiff's claims and Defendant's defenses.
- (b) All discovery commenced in time to be completed by October 10, 2023.
- (c) Maximum of 25 interrogatories by each party to any other party. [Responses due 30 days after service.]
- (d) Maximum of 35 requests for admission by each party to any other party. [Responses due 30 days after service.]
- (e) Maximum of 4 depositions by plaintiff(s) and 4 by defendant(s).
- (f) Each deposition limited to maximum of 5 hours unless extended by agreement of parties.
- (g) Reports from retained experts under Fed. R. Civ. P. 26(a)(2) due:
from plaintiff(s) by September 10, 2023;
from defendant(s) by September 10, 2023.
- (h) Supplementation under Fed. R. Civ. P. 26(e) due as required under Rule 26(e).
- (i) Discovery of electronically stored information
 - (i) This adversary proceeding does x does not _____ involve the discovery of electronically stored information
 - (ii) Pursuant to E.D. Mich. LBR 7026-4, the Model Order Relating to the Discovery of Electronically Stored Information approved by the District Court will x will not _____ apply.

(3) Other Agreed Upon Items. [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

- (a) Plaintiff(s) is granted leave through, and the deadline is, August 11, 2023 to join additional parties and to amend the pleadings.
- (b) Defendant(s) is granted leave through, and the deadline is, August 11, 2023 to join additional parties and to amend the pleadings.
- (c) All potentially dispositive motions must be filed by October 25, 2023.
- (d) The proceeding will be ready for trial by December 9, 2023. The trial is expected to take approximately 1 trial day.
- (e) Jury Trial Matters.
 - (i) ☒ a jury trial was not timely demanded and is waived; or
 - ☐ a jury trial was timely demanded, but is waived; or
 - ☐ a jury trial was timely demanded but not waived.
 - (ii) ☐ the parties consent to the Bankruptcy Court conducting the jury trial; or
 - ☐ the parties do not at this time consent to the Bankruptcy Court conducting the jury trial.
- (f) The parties agree that:
 - ☒ This is a core proceeding; or
 - ☐ This is a non-core proceeding otherwise related to the bankruptcy case.

(g) ☒ The parties consent to the Bankruptcy Court entering a final order or judgment in this proceeding; or

☐ The parties do not consent to the Bankruptcy Court entering a final order or judgment in this proceeding.

(4) Other matters.

(5) Matters not agreed upon or insufficiently addressed by the foregoing.

AGREED:

Dated: June 2, 2023

OSIPOV BIGELMAN, P.C.

/s/ David P. Miller

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